

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

VS.

Civil Action No: 2:09-cv-102

BANK OF AMERICA CORP.;  
BLAZE MOBILE, INC.;  
CAPITAL ONE FINANCIAL CORP.;  
ENABLE HOLDINGS, INC.;  
GOOGLE, INC.;  
GREEN DOT CORP.;  
JAVIEN DIGITAL PAYMENT  
SOLUTIONS, INC.;  
JPMORGAN CHASE & CO.;  
MASTERCARD INTERNATIONAL, INC.;  
META FINANCIAL GROUP, INC.;  
M&T BANK CORP.;  
OBOPAY, INC.;  
SONIC SOLUTIONS;  
VISA, INC.;  
VIVENDI UNIVERSAL U.S. HOLDING  
CO.;  
VIVENDI UNIVERSAL, SA;  
WAL-MART STORES, INC.;  
THE WALT DISNEY CO.;  
THE WESTERN UNION CO.;  
WILDTANGENT, INC.;  
AGILECO,

Defendants.

Jury

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY**

COMES NOW Defendant MasterCard International, Inc. (“MasterCard”) and files this Unopposed Motion for Extension of Time to Reply to Plaintiff’s Response to Defendants Bank of America Corporation (“Bank of America”), Capital One Financial Corporation (“Capital One”), Enable Holdings, Inc. (“Enable Holdings”), Green Dot Corp. (“Green Dot”), JPMorgan Chase & Co. (“JPMorgan”), MasterCard International Incorporated (“MasterCard”), Meta Financial Group, Inc.

(“Meta”), M&T Bank Corp. (“M&T”), and Visa Inc. (“Visa”) (collectively, the “Moving Defendants”) Motion to Dismiss:

Defendants filed their motion to dismiss on September 8, 2009. (Dkt. 188) Pursuant to the Court’s September 24, 2009 Order (Dkt. 202) Actus, LLC responded to the Moving Defendants Motion to Dismiss on October 14, 2009 (Dkt. 207). MasterCard respectfully requests additional time for the Moving Defendants to file their reply up to and including November 18, 2009. This extension is not for purposes of delay but to allow adequate time to respond. Counsel for MasterCard conferred with counsel for Actus and they do not oppose the relief requested herein.

DATED: November 2, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux  
S. Calvin Capshaw  
State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
D. Jeffrey Rambin  
State Bar No. 00791478  
CAPSHAW DeRIEUX, LLP  
1127 Judson Road, Suite 220  
P.O. Box 3999 (75606-3999)  
Longview, Texas 75601  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787  
Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
Email: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

Robert C. Scheinfeld  
Eliot D. Williams  
Eric J. Faragi  
BAKER BOTTS L.L.P.  
30 Rockefeller Plaza, 44th Floor  
New York, New York 10112-4498  
Telephone: (212) 408-2500  
Facsimile: (212) 408-2501  
Email: [robert.scheinfeld@bakerbotts.com](mailto:robert.scheinfeld@bakerbotts.com)  
Email: [eliot.williams@bakerbotts.com](mailto:eliot.williams@bakerbotts.com)

Email: eric.faragi@bakerbotts.com

Attorneys for Defendant  
MasterCard International, Inc.

**CERTIFICATE OF CONFERENCE**

I certify that I have complied with the meet and confer requirement in Local Rule Cv-7(H) and this motion is unopposed.

/s/ Elizabeth L. DeRieux  
Elizabeth L. DeRieux

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2<sup>nd</sup> day of November, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux